

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

Plaintiff,

v.

ROB BONTA, et al.,

Defendants.

No. 2:22-cv-00314-TLN-KJN

ORDER

Plaintiff proceeds in this civil action pro se. The matter was referred to the magistrate judge under this Court's Local Rules.

On October 20, 2022, the magistrate judge filed findings and recommendations (ECF No. 25), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On November 2, 2022, the magistrate judge filed findings and recommendations (ECF No. 27), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed to either of the magistrate judge's findings and recommendations. Accordingly, the Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

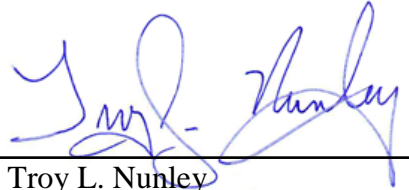
1 The Court has reviewed the applicable legal standards and, good cause appearing,
2 concludes that it is appropriate to adopt the findings and recommendations in full.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF Nos. 25, 27) are ADOPTED IN FULL;
- 5 2. Defendant's motion to dismiss (ECF No. 18) is GRANTED, and the claims against
6 defendants Bonta and "Newsome" as stated in the original complaint (ECF No. 1) are
7 DISMISSED WITH PREJUDICE;
- 8 3. Plaintiff is granted leave to conduct limited discovery regarding the name of Doe
9 Defendant #1 and is thereafter be granted leave to amend as to this Defendant only.
10 Plaintiff shall follow the magistrate judge's instructions for discovery and amendment, as
11 outlined in the October 20, 2022 findings and recommendations (ECF No. 25 at 6). Any
12 failure on Plaintiff's part to serve the discovery request on Defendant or file an amended
13 complaint as directed by the magistrate judge will result in sanctions, which may include
14 dismissal of Plaintiff's complaint with prejudice;
- 15 4. Plaintiff's emergency motion for temporary restraining order (ECF No. 26) is DENIED;
16 and
- 17 5. Regarding Plaintiff's motion for summary judgment (ECF No. 29), the Court sua sponte
18 DENIES this motion as premature, as there is currently no operative complaint. Further,
19 the Court ratifies the magistrate judge's prior denial of plaintiff's motions for summary
20 judgment (*see* ECF Nos. 12, 13) for the rationale stated by the magistrate judge on May
21 24, 2022. Finally, the Court sua sponte DENIES plaintiff's motion for summary judgment
22 filed on June 15, 2022 for the same reasons stated in the magistrate judge's May 24, 2022
23 minute order.

24 **DATED: December 29, 2022**

25
26
27
28



Troy L. Nunley
United States District Judge